

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JESSICA BENTON, SHELBY BRYANT,
ANNE MARIE CAVANAUGH, ALYSSA
GARRISON, and CLARE THOMAS,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

No. 2:20-CV-01174-RSM

NOTICE OF RELATED CASE UNDER
LOCAL CIVIL RULE 3(g)

TO THE UNITED STATES DISTRICT COURT OF THE WESTERN DISTRICT OF
WASHINGTON AND TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the above-captioned action now pending in the United States
District Court of the Western District of Washington is related to two cases:

(1) *Black Lives Matter, et al. v. City of Seattle*, Case No. 2:20-cv-00887-RAJ before the
Honorable Richard A. Jones.

Parties:

Plaintiffs: Black Lives Matter Seattle-King County, Abie Ekenezar, Sharon Sakamoto, Muraco

NOTICE OF RELATED CASE UNDER LOCAL CIVIL RULE 3(G) - 1

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Defendant: City of Seattle

(2) *United States v. City of Seattle*, Case No. 12-cv-1282-JLR before the Honorable James L.

Robart

Parties:

Plaintiff: United States of America

Defendant: City of Seattle

BRIEF DESCRIPTION OF ACTION

Plaintiffs seek injunctive relief for First, Fourth, and Fourteenth Amendment violations against the City of Seattle arising out of demonstration events and the City's use of crowd control devices during demonstration events.

Plaintiffs seek a temporary restraining order ("TRO") and permanent injunction ordering the City of Seattle to cease "use and possession of 40 mm launchers, blast balls, CS gas, and oleoresin capicum ("OC") spray." Compl., Prayer for Relief (Dkt. 1).

STATEMENT OF RELATIONSHIP BETWEEN ACTIONS

Plaintiffs' Complaint frequently references both related actions.

The first related case, *United States v. City of Seattle*, Case No. 12-cv-1282-JLR, is a federal Consent Decree entered into between the United States of America and the City of Seattle in 2012. The Consent Decree imposes extensive obligations on the Seattle Police Department. On June 15, 2020, the Seattle City Council passed Ordinance 119805 banning and restricting the use of the same crowd control devices that Plaintiffs in this case seek to prohibit via their injunctive action. On Friday, July 24, 2020, the Honorable James Robart temporarily enjoined Ordinance 119805 until it could be reviewed under the terms of the Consent Decree. *See United States v. City of Seattle*, No. 12-cv-

1 01282-JLR, Dkt. No. 630 (W.D. Wash. June 24, 2020). Among other conclusions, Judge Robart held:

2 [B]y removing all forms of less lethal crowd control weapons from virtually all
 3 police encounters, the Directive and the CCW Ordinance will not increase public
 4 safety. This is so particularly because neither the CCW Ordinance nor the Directive
 5 provide time for police training in alternative mechanisms to de-escalate and
 6 resolve dangerous situations if the crowd control implements with which the
 7 officers have been trained are abruptly removed. As Chief Best stated: ‘Left only
 with the options of a baton, a Taser (effective distance of approximately 7-12 feet),
 and an officer’s body, the likelihood of greater injury – to both the officer and
 subject in those . . . empirically rare but foreseeable situations where some level of
 force is necessary – should be patent and concerning.’

8 *Id.* at 6-7. Judge Robart’s determinations appear potentially to be at odds with the relief that Plaintiffs
 9 seek in this case. Accordingly, this case is related to the Consent Decree matter, because of “the
 10 potential for conflicting results if the cases are conducted before different judges.” L.C.R. 3(g)(2)(B).

11 The second related case, *Black Lives Matter v. City of Seattle*, Case No. 2:20-cv-00887-RAJ,
 12 is a separate action brought by protestors seeking to enjoin the use of crowd control devices by the
 13 City of Seattle. On June 12, 2020, the Honorable Richard A. Jones entered a TRO enjoining the
 14 manner in which the City of Seattle uses crowd control devices during demonstration events. (Dkt.
 15 34). On June 17, 2020, the parties stipulated to convert the TRO into preliminary injunction extending
 16 through September 30, 2020. The Court entered the agreed preliminary injunction. *Black Lives Matter*
 17 *v. City of Seattle*, Case No. 2:20-cv-00887-RAJ, Dkt. No. 42, (W.D. Wash. June 17, 2020).

18 On July 27, 2020, the plaintiffs in the *Black Lives Matter* case filed a contempt motion based
 19 primarily on protest events that occurred on July 25, 2020. *See id.* dkt. 51 (July 27, 2020). The events
 20 challenged in the contempt motion “concern substantially the same . . . event” as the events challenged
 21 by the Plaintiffs in this case—namely, the Seattle police response to the protest on July 25, 2020.
 22 They are therefore related under Local Civil Rule 3(g)(2)(A). In addition, the *Black Lives Matter*
 23 contempt motion seeks substantially the same injunctive relief as the Plaintiffs request in this case.

1 Accordingly, the two cases are related under Local Civil Rule 3(g)(2)(B), because of “the potential
2 for conflicting results if the cases are conducted before different judges.”

3 Therefore, while Plaintiffs seek relief which appears to potentially contradict the
4 determinations made by Judge Robart in *United States v. City of Seattle*, Plaintiffs’ action is related
5 to both cases.

6 DATED this 3rd day of August, 2020.

7 PETER S. HOLMES
8 Seattle City Attorney

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CERTIFICATE OF SERVICE

I certify that on the 3rd day of August, 2020, I caused a true and correct copy of this document to be served on the following via CM/ECF and in the manner identified below:

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